

# **REPORT OF ACTIVITIES OF THE DEPARTMENT OF WATER RESOURCES**

by

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## LEVEE EVALUATIONS

The newly formed levee evaluations branch was created to perform geotechnical levee evaluations on about 350 miles of urban levee. An urban levee is defined as protecting at least 10,000 people. The geotechnical levee evaluations will focus on the urban project levees in geographic areas of RD 17, Natomas, West Sacramento, Marysville, Woodland, Davis, Stockton, MA9, the American River, Sacramento, the Sutter Basin, and RD 784. This program will later expand to other areas within the Sacramento and San Joaquin Flood Control Projects with the Bond funding.

The purpose of these evaluations is to assist in developing a levee certification program based on geotechnical data, provide consistent formats for data (and associated data exchange), and provide an evaluation of the levee system based on geotechnical data. This evaluation will be conducted with the goal of providing 200 year level of protection in urban areas and the design profile level of protection in rural areas using the USACE under seepage criteria.

The following activities occurred during the past month:

1. In its fifth report, the independent consulting board recommended that an exit gradient of 0.5 should be used for levees protecting against the 500 year flood event or less. This exit gradient criteria is to be used for the design event as well as the top of levees in urban areas.
2. Due to the lack of a state budget, drilling has been reduced to only one cone penetrometer rig during July in Sutter County. Limited to no drilling will occur until a budget is passed. In addition, a bathymetric survey will not occur until a budget is passed. This is already impacting the project schedule and will result in delays of final evaluations by up to six months.
3. Reviews of existing data by URS has commenced on the American River and RD 404. These reviews will inform DWR of additional investigations that may be needed to address potential gaps in geotechnical data.
4. Unless a state budget passes, no work will start in greater Woodland and Davis areas which were scheduled to start in August and September, respectively.
5. In early September 2007, an Electro Magnetic survey of the urban levees will be performed. This will provide continuous information to augment our borings and should inform DWR of anomalies in the subsurface soils that may require future subsurface explorations. Extensive media coverage will occur as the helicopter will be flying very low and towing a sensor below the helicopter referred to as a survey bird.
6. A scope of work continues to prepare for a RFQ (Request for Qualifications) for two \$60M contracts to perform mostly non-urban levee evaluations.
7. Preliminary Geotechnical data Reports for Marysville, RD 17, and West Sacramento were issued in draft form in July and are being reviewed by DWR and USACE.

8. Some preliminary seepage analyses were performed on several sections of RD 17 levees. The results of these preliminary analyses indicated that the levees did not meet USACE underseepage exit gradient criteria.

### **TISDALE BYPASS CHANNEL REHABILITATION PROJECT**

DeSilva Gates Construction was awarded the Tisdale Bypass channel rehabilitation project contract with the low bid of \$4.7 million. On August 2, 2007 the Notice to Begin Work was signed by the contractor and a pre-construction meeting was held. DWR construction staff reviewed the specifications with the contractor that require immediate attention. The contractor reported that they will begin mobilization to the site beginning August 6, 2007. DWR environmental staff will coordinate with the contractor during the mobilization process to train all field crews. The contractor plans on starting excavation on August 13, 2007.

### **EARLY IMPLEMENTATION PROJECTS (EIP) GRANT PROGRAM**

The passage of the Disaster Preparedness and Flood Prevention Bond Act of 2006 (Proposition 1E) and the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84), authorizes the California Department of Water Resources (DWR) to issue grants to local agencies under the State-Federal Flood Control System Modification Program. These grants will be for: (a) rehabilitation, reconstruction, or replacement of levees, weirs, bypasses and facilities of the State Plan of Flood Control, and (b) improving or adding facilities to the State Plan of Flood control to increase levels of flood prevention for urban areas.

The application selection process consists of two steps. First, to be eligible to receive any funding, submitted applications must meet all of the Governor's applicable eligibility criteria, as contained in the Bond Expenditure Plan for Proposition 1E. Since this program requires a local cost-share, the Applicants that pass the initial eligibility review will be informed during the second step of the local cost share that will be required in order for them to receive funds through this grant program. Applicants must then demonstrate their financial capability to meet those requirements before the final project selection will be made.

In February 2007, DWR submitted the Fiscal Year 2007-08 Bond Expenditure Plan to the Legislature. This Plan established the criteria for funding early implementation flood projects that are ready for construction in Fiscal Year 2007-08. DWR developed the Early Implementation Project (EIP) Grant Program Application package incorporating this eligibility criterion establishing the process by which applicants could seek funding. By the May 1, 2007 deadline established in the EIP Grant Application package, DWR received seven applications for proposed projects for State-Federal Flood Control System Modification Projects in Lake, Sacramento, Sutter, Yolo and Yuba counties:

- Lake County, Middle Creek Flood Damage Reduction and Ecosystem Restoration Project
- Levee District No. 1 of Sutter County, Lower Feather River Setback Levee at Star Bend
- Reclamation District 2035 (Woodland), Conaway Ranch Floodway Corridor Project
- Reclamation District 2103 (Wheatland), Bear River North Levee Rehabilitation Project
- Sacramento Area Flood Control Agency, Natomas Levee Improvement Program (NLIP) Early Start Program
- Sacramento County, Howe Avenue Pump Station Improvements
- Three Rivers Levee Improvement Authority, Feather River Setback Levee

DWR is nearing completion of the first step initial eligibility review for the seven applications and expects to inform applicants of our determination during August 2007. The applicants passing this first step will be asked to provide additional information needed to complete the second step of the application process, including demonstration of their financial capability to carry out the project. DWR will then complete its review and make a final determination of eligibility. All EIP Grants will be contingent upon the availability of State funds in the State Budget Act of 2007.

## **STATUS OF EROSION REPAIRS**

### **2005 Ayres Critical Erosion Sites**

Work related to on-site environmental mitigation including soil-rock mix and agricultural soil cover, plantings, in-stream woody materials (IWM), fascine bundles, pole cuttings, seeding, and erosion control fabrics, has been completed on 15 DWR-led sites. Due to hot weather, installation of willow pole cuttings is the only work remains to be completed in October on four sites.

### **2006 Ayres Critical Erosion Sites**

DWR and Corps are in the process of awarding contracts for the Phase II work on 22 sites. The set-back levee designs for two sites on Cache Creek; levee mile (LM) 3.9 and LM 4.2, are complete and property appraisals are in progress. The borrow material for construction of two setback levees will come from the City of Woodland Detention Basin. DWR is in the process of issuing a contract for excavation and stockpiling materials in a temporary storage area on the City property. Construction of Cache Creek set-backs before November, 2007 is dependent upon negotiations with landowners. Work on the other 22 sites will be completed by November 2007.

## **Special Levee Repair Projects**

DWR is assisting Glen County for the Hamilton City Sac RM 200.6 interim repair consisting of existing levee strengthening by adding a section on the landside. There is about 30 to 50 feet of river bank left on the waterside and a Field Action Report done by URS last year concluded that the existing levee could fail during a high flood event. This special project will be eligible for local cost-shared grant program.

Field investigations are in progress for three more sites; M&T Phelan Levee (RM 192.5L), the Butte Basin 3B's Overflow structure and the Fremont Weir Gage (RM 83.9R) on the Sacramento River.

## **2006 PL 84-99 Rehabilitation Assistance Program**

The Corps has initiated design for 62 Order 3, 4 and 5 sites out of a total of 133 sites selected by the Corps for repairs. The Corps has also added six Order 2 sites on the Sacramento River in RD 150 to their PL84-99 repair list. DWR will provide environmental permitting, rights-of-way and borrow materials for all PL84-99 sites. DWR is waiting for environmental permits from the regulatory agencies for repairs to Butte Creek LM 0.8 Order 1 site. The engineering design for this site is under review.

## **2007 Flood Management Legislation (08-06-2007)**

### **AB 5 (Wolk) Flood Protection: local plans**

This bill would require the Department of Water Resources to prepare the Central Valley Flood Protection Plan (CVFPP) for the Sacramento-San Joaquin Valley and would require a local agency to comply with the flood protection standards set forth in the CVFPP or prepare a local plan of flood protection that includes specified components. Amended 06/21/07. In the Senate Appropriations Committee.

### **AB 70 (Jones) Flood liability**

This bill would provide that a city or county may be required to contribute its fair and reasonable share of the property damage caused by a flood to the extent that the local public entity increases the state's exposure to liability for property damage by unreasonably approving new development in a previously undeveloped area that is protected by a state flood control project and if it is determined that the city or county failed to comply with other applicable provisions of existing law. Amended 07/17/07. In Senate Third Reading.

**AB 156 (Laird) Flood Control**

This bill would require DWR to prepare a schedule for mapping areas at risk of flooding; prepare a status report on the State Plan of Flood Control; notify property owners of flooding hazards; prepare and maintain maps for levee flood protection zones; authorize DWR to revise the maps to include updated information, require local agencies to prepare reports on the condition of project levees in their jurisdiction; require local agencies to adopt flood safety plans as a condition for receiving State funds for levee upgrades; allow DWR to participate in the design of environmental enhancements associated with federal flood control projects and in the construction of environmental enhancements for which the State is authorized to participate; and clarify maintenance area formation procedures. Amended 06/01/07. In the Senate Appropriations Committee.

**AB 162 (Wolk) Land use: water supply**

The bill would require land use elements of a city or county general plan to identify and annually review areas that are subject to flooding as identified by floodplain mapping prepared by the Federal Emergency Management Agency or DWR. Upon the next revision of the housing element, after January 1, 2009, the conservation and safety elements of the general plan are to identify rivers, creeks, streams, flood corridors, riparian habitat, and land that may accommodate floodwater for purposes of groundwater recharge and stormwater management. The bill would also require cities and counties to consult with The Reclamation Board when revising the safety element. Amended 07/17/07. In the Senate Appropriations Committee.

**AB 930 (Jones) Flood management**

The Sacramento Area Flood Control Agency Act defines project to mean the acquisition, construction, or operation of any authorized flood control facility including the acquisition of rights-of-way. This bill would expand that definition to include the acquisition of easements. The bill would require that the acquisition of rights-of-way and easements outside of the agency's boundaries be consistent with applicable county plans and the State Plan of Flood Control. The bill would provide that nothing in the act authorizes the agency to exercise the power of eminent domain outside its boundaries, alters the existing powers granted to members of the agreement, or precludes the acquisition of time-limited easements. Amended 07/02/07. In Senate Third Reading.

**AB 1452 (Wolk) Central Valley Flood Protection**

This bill would enact the Central Valley Flood Protection Act of 2008. It would prohibit the Reclamation Board from approving funding for any flood protection project that narrows flood channels or reduces the capacity of the flood protection system in the Sacramento-San Joaquin Valley to convey water. The bill would declare that it is the policy of the state that the expenditure of funds for flood protection in the Sacramento-San Joaquin

Valley reflect specified priorities. The bill would require DWR to correct deficiencies in flood protection facilities that present an imminent risk of failure and threaten human life. Amended 06/01/07. In the Senate Appropriations Committee.

**AB 1489 (Huffman and Wolk) Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006.**

This bill would amend Proposition 84 and require DWR to provide technical assistance for the development of integrated regional water management plans. It would also establish additional criteria DWR must consider when granting preferences for funding projects that assist local public agencies to meet the long-term water needs of the state including the delivery of safe drinking water and the protection of water quality and the environment. In addition, DWR would be required to conduct a study of groundwater resources and include specified data collection and analysis. Amended 07/05/07. In the Senate Appropriations Committee.

**SB 5 (Machado) Flood management**

(1) This bill would require DWR to prepare the Sacramento-San Joaquin River Flood Management System Plan (Plan) to include specified components including a description of the Sacramento-San Joaquin River Flood Management System, a description of the performance of the system and challenges to modifying the system to provide appropriate levels of flood protection, and findings and recommendations with regard to structural and nonstructural projects that will significantly reduce flood risks within the Sacramento and San Joaquin Rivers drainage. DWR would be required to include in the plan evaluations of the methods for improving the performance of the system, the structural improvements necessary to bring each of the facilities of the State Plan of Flood Control for the Central Valley to within its design standard, methods for providing an urban level of flood protection to urbanized areas, and methods for reducing flood risks in nonurbanized areas. (2) This bill would require local governments to revise general plans to include specified provisions of the Plan and develop methods to finance local flood protection projects. It would also require local governments to amend zoning ordinances to comply with the revised general plans, identify real property parcels protected by flood management facilities and notify property owners located in flood hazard areas. Amended 04/25/07. In the Assembly Appropriations Committee.

**SB 17 (Florez) Flood Protection**

This bill would rename The Reclamation Board the Central Valley Flood Protection Board (Board), recast various provisions of law regarding its operations, membership and prescribed duties, add evidentiary hearing provisions, add conflict of interest requirements for Board members, require a report on the status of the State Plan of Flood Control, require the Board to write a strategic flood protection plan, and require the Board to review and

comment on local and regional land use plans. The bill states legislative intent to transfer the duties, staff and funding allocated to the Board as it exists on December 31, 2007 to the Board as it would be reconstituted after January 1, 2008. Amended 6/04/07. In the Assembly Appropriations Committee.

**SB 27 (Simitian) Clean Drinking Water, Water Supply Security and Environmental Improvement Bond Act of 2007**

This bill would require the Secretary of the Resources Agency, on or before January 1, 2008, to begin implementing certain actions on behalf of the Sacramento-San Joaquin Delta, including investing in emergency preparedness, funding projects to aid sustainability in the Delta, identifying critical levees to be strengthened, and commencing Delta restoration projects. The secretary would be required to take necessary action to ensure that the requirements of the 2006 Governor's executive order relating to the Delta Vision Committee are met in a timely manner. The bill would declare legislative intent to enact legislation to begin implementing a program for sustainable management of the Delta in 2008. Amended 04/24/07. In the Assembly Water, Parks and Wildlife Committee.

**SB 34 (Torlakson) User fees and assessments: Sacramento-San Joaquin Delta flood control**

Existing law requires the Secretary for Resources, in collaboration with the Secretary of Business, Transportation and Housing, to develop a strategic plan to achieve a sustainable Sacramento-San Joaquin Delta. The plan is to include a strategic financing plan. This bill would require the strategic financing plan for the delta to include recommendations with respect to imposing fees under a beneficiaries pay principle. Amended 04/17/07. In the Assembly Third Reading.

**SB 276 (Steinberg/Cox) Flood Control Projects**

This bill would specify the extent of state and local participation in specified flood control projects administered by the Sacramento Area Flood Control Agency and would describe the project for flood control along the American and Sacramento Rivers as further modified to include a specified 200-year level of flood protection. The bill would describe the Folsom Dam modification project as further modified by a specified report adopted by Congress. Amended 06/20/07. In the Assembly Appropriations Suspense File.

**SB 378 (Steinberg) Disaster Preparedness and Flood Prevention Bond Act of 2006**

This bill would require DWR to: (1) develop project solicitation and evaluation guidelines for grant programs funded by Proposition 1E; (2) include an evaluation of the risk of failure due to a seismic event in any evaluation of facilities of the State Plan of Flood Control; and (3) give priority to projects



and expenditures that result in a system-wide reduction of flood risks and projects that address the needs of disadvantaged communities when implementing projects for protection, creation, and enhancement of flood protection corridors and bypasses,. Amended 06/04/07. In Assembly Water, Parks and Wildlife Committee.

**SB 732 (Steinberg) Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006.**

This bill would require, by January 1, 2009 and each year thereafter, that state agencies report to the Legislature on the recipient and amount of each Proposition 84-funded project, grant or loan awarded. This bill would delete a corporation from the definition of local public agency in the Integrated Regional Water Management (IRWM) Act. If DWR revises or replaces the IRWM Guidelines, the bill would require DWR to develop these in consultation with specified entities and pursuant to other specified provisions. Amended 06/28/07. In Assembly Appropriations Committee.

**SB 1002 (Perata) Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006.**

This bill would make a number of Legislative findings regarding the need to more effectively integrate water resources programs and solutions and to commit or otherwise expend current bond authorizations before asking the voters to approve additional bonded indebtedness. In addition, the bill would appropriate or otherwise direct \$882.5 million in bond funding. Amended 06/05/07. In Assembly Appropriations Committee.

**The following bills failed to pass out of their house of origin by specified deadline and have been designated as two-year bills:**

**AB 26 (Nakanishi) Flood control: natural community conservation plan**

This bill would require the Department of Fish and Game to enter into a Natural Community Conservation Planning (NCCP) agreement with the Reclamation Board for the purpose of preparing a plan that encompasses the Sacramento and San Joaquin Drainage District. The NCCP would seek to provide conservation of multiple wildlife species while exempting flood control or management activity identified in the NCCP from existing notification requirements for streambed alteration agreements. Amended 05/02/07.

**Two-year bill.**

**AB 41 (La Malfa) Water resources: bond proceeds**

This bill would declare legislative intent that the funds derived from Propositions 1E and 84, consistent with the intent of the voters, be expended in the most cost-efficient and effective manner to address the state's critical lack of adequate surface water storage. The bill specifically identifies Temperance Flat and Sites as holding the greatest promise for providing new

surface storage. In addition, the bill would exempt the construction of these facilities from CEQA requirements. Amended 04/09/07. **Two-year bill.**

**AB 1507 (Emmerson) Alluvial Fan Task Force**

This bill would require the director to establish the Alluvial Fan Task Force to review the state of knowledge regarding alluvial fan floodplains and to prepare recommendations relating to alluvial fan floodplain management. The director would be authorized to enter into an interagency agreement with an appropriate agency to oversee the task force. The task force would be required to develop a model ordinance on alluvial fan flooding and prepare and submit a specified report to the Legislature not later than December 30, 2008. These duties would be required to be carried out only to the extent funding is made available for those purposes from the federal government or private sources. The expenditure of state funds would only be permitted as a condition of receiving federal funds. Amended 04/30/07. **Two-Year bill.**

**SB 6 (Oropeza) Flood control**

This bill would require the land use, open-space, safety, and conservation elements of a local agency general plan to identify areas that are subject to flooding based on existing climate predictions regarding ocean levels. This bill would also require a local agency to deny approval of a subdivision design if it is likely to cause a substantial risk of flooding of the site or adjacent property based on existing climate predictions regarding ocean levels. In addition, this bill would require a state or local public entity that undertakes mapping and identification of flood risk to consider existing climate predictions regarding ocean levels. Amended 04/11/07. **Two-year bill.**

**SB 59 (Cogdill) Reliable Water Supply Bond Act of 2008.**

This bill would require the Secretary of State to submit the Reliable Water Supply Bond Act of 2008 to voters for approval to finance specified water storage projects, Sacramento-San Joaquin Delta sustainability projects, water use efficiency projects, and ecosystem restoration projects with General Obligation bonds in the amount of \$3.95 billion. Identifies Sites Reservoir and Temperance Flat Reservoir as the water storage projects to be constructed. Introduced 01/11/07. **Two-year bill.**

